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IN THE PROVINCE OF
BRITISH COLUMBIA

ROYAL COMMISSION OF INQUIRY
INTO THE ALLEGED INJURIES SUSTAINED BY
MICHAEL ALBERT JACOBSEN
DURING HIS DETENTION IN THE VANCOUVER CITY POLICE JAIL

Commissioners' Report
July 22, 1988

MALCOLM A. MATHESON
MARY E. SAUNDERS
J. DAVID N. EDGAR

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July 22, 1988

TO HIS HONOUR THE LIEUTENANT-GOVERNOR IN COUNCIL

MAY IT PLEASE YOUR HONOUR

We, the undersigned, were appointed under Your Honour's Orders in Council Number 590 and Number 2381 approved March 19, 1986 and December 10, 1987, respectively, to inquire into the alleged injuries sustained by Michael Albert Jacobsen on September 30, 1983, while in the custody of the Vancouver Police Department.

We have the honour to submit our report on our findings.

All of which is respectfully submitted,

Malcolm A. Matheson, Commissioner

Mary E. Saunders, Commissioner

J. David N. Edgar, Commissioner

EXECUTIVE SUMMARY

In response to Orders in Council No.590 and No.2381, approved March 19, 1986, and December 10, 1987, respectively, Malcolm A. Matheson, Mary E. Saunders, and J. David N. Edgar, as commissioners under Part 2 of the Inquiry Act, have enquired into and now report upon the alleged injuries to Michael Albert Jacobsen, stated by him to have been caused in the Vancouver City Police Jail in 1983.

Mr. Jacobsen was arrested on September 30, 1983, by the Vancouver Police Department for being drunk in a public place and was incarcerated in the Jail. During his detention he alleged that he was assaulted by members of the Department who where on duty in the Jail; he suffered a fractured kneecap.

The incident resulted in a series of investigations and inquiries by the Vancouver Police Department and the Vancouver Police Board. Following appointment by the Lieutenant-Governor in Council of this Commission, constitutional challenges to the appointment were heard before the British Columbia Supreme Court, the British Columbia Court of Appeal and the Supreme Court of Canada. The appointment of the Commission of Inquiry was found to be

constitutional and properly made. However, the court proceedings did delay the conduct of the Inquiry until March, 1988, when formal testimony was heard.

During the proceedings, the Commission examined and considered the pertinent internal police inquiries and investigations, hearings under the Police Act, all relevant documentation and exhibits and the direct testimony given under oath of witnesses.

The Commission concludes that Mr. Jacobsen, having been arrested for his own safety due to his state of intoxication, suffered a broken kneecap when assaulted in the Vancouver City Police Jail by one or more officers on duty at the time. Further, because of a diminished sense of integrity and an absence of commitment to the Oath of Office, none of these officers took steps to protect Mr. Jacobsen from injury. Subsequently, there was collusion, suppression of evidence and lies on the part of those involved to avoid the truth of the incident.

At the time of the assault on Mr. Jacobsen, three of the seven officers on duty were present, being Corporal Nixon, Police Guard O'Hara, and Constable Apostoliuk. A fourth officer, Constable Kirkbride, was either present during the assault or so shortly thereafter that he knew of it.

The remaining officers on the shift in question, being Sergeant Cox, Constable Robinson and Police Guard Wintrip, were not at the scene at the time of Mr. Jacobsen's assault and are not implicated in it.

The Commission of Inquiry recommends that:

1. The matter be referred again to Crown Counsel;
2. The disciplinary authority under the Police Act review the conduct of the officers involved;
3. A study be conducted of the operation of the three jails in the one block radius, with particular emphasis on the viability of discontinuing the operation of a jail by the Vancouver Police Department;
4. A program be developed for the enhancement and maintenance of police ethics to a standard commonly displayed by professional police constables; and
5. Video monitoring and recording equipment be installed to cover the booking and other critical areas of the Vancouver City Police Jail.

Chapter 2

BACKGROUND

2.1 The Complaint Process

In the early morning hours of September 30, 1983, Mr. Michael Albert Jacobsen was arrested by the Vancouver Police Department for being intoxicated in a public place and was taken to the Vancouver City Police Jail. Sometime during his incarceration his left kneecap was fractured. This resulted in a series of operations by an orthopedic surgeon at the Vancouver General Hospital.

His mother, Mrs. E. Jacobsen, came to the front counter of the Vancouver Police Station later that same day (6:15 p.m. September 30, 1983) to complain. Her complaint was recorded in the N.C.O. Station Journal as follows:

> ... came in to complain about the Jail staff allegedly breaking her son's left kneecap during his incarceration.... He was seen by Dr. Thurston at 10:30 hrs. and advised to seek medical help re the knee. Mother advises that he went to VGH E at 11:00 hrs. this date and will undergo surgery at 20:00 hrs. this date. Mother advised to contact IIS on 83-10-03.

The Station Journal also shows a margin notation next to Mrs. Jacobsen's complaint of "IIS" (Internal Investigation Section) and the initials "NS" which are believed to be the initials of the Deputy Chief's aide who examines the Journal each morning Monday to Friday to brief the Chief Constable and Deputies.

The Complaint Log kept in the Internal Investigation Section shows an entry for October 3, 1983, reflecting a formal complaint by Mrs. Jacobsen of an assault to her son in the Jail by jail staff. It shows that Detective Ian Young was assigned to the complaint and that Mrs. Jacobsen was "Advised". Mr. Jacobsen submitted a letter of complaint to the Chief Constable dated October 7, 1983, which was received October 14, 1983. The complaint was assigned by Chief Constable Robert Stewart October 17, 1983, to Inspector Robert Burns who was responsible for the Internal Investigation Section. Precisely when Detective Young commenced his official investigation is unclear.

Detective Young completed his investigation and submitted his written report to Inspector Burns on January 5, 1984. As part of his investigation, he took a statement dated November 22, 1983, from Mr. John Rice, a witness to the incident in the Jail. The concluding paragraph of Detective Young's report stated:

"Due to the fact that this is a criminal allegation, the usual conclusions are omitted. I request that this file be forwarded to Regional Crown Counsel for his consideration."

Upon receipt of the file, Mr. Sean Madigan, Regional Crown Counsel, submitted it to Mr. Harold D. Libby for his assessment as independent counsel outside of Crown Counsel's office. Mr. Libby was asked to make a recommendation as to whether a criminal charge of assault should be laid against one or more police officers on duty in the Jail at the time Mr. Jacobsen's kneecap was broken.

At this stage Mr. Jacobsen had instructed his counsel, Mr. Peter C. Ritchie, to launch a civil action against the City of Vancouver and certain police officers for damages arising from assault and negligence. Accordingly, Mr. Ritchie wrote to the City Clerk on January 26, 1984, notifying the City that Mr. Jacobsen was initiating such a law suit.

Over the following several weeks Mr. Libby reviewed the file sent to him by Regional Crown Counsel. He interviewed Mr. Jacobsen, and took him back to the fifth floor of the Jail along with Detective Young. Mr. Libby was also provided with a second written statement from Mr. Rice, obtained by Detective Young. In this later

statement, Mr. Rice changed from having seen nothing and not wishing to be involved to giving details as to the beating of Mr. Jacobsen. This statement was given after Mr. Rice had been contacted by Mr. Ritchie and Mr. Jacobsen, and told of the serious nature of Mr. Jacobsen's injuries, of which Mr. Rice was originally unaware.

Mr. Libby then wrote to Inspector Burns on March 5, 1984. His letter contained the following statements:

> I am of the opinion that the injuries suffered by Jacobsen occurred on the fifth floor of the Vancouver City Police Jail at the hands of a Vancouver City Police Officer.
>
> Finally, it is my opinion that there is sufficient evidence for the laying of a criminal charge in this matter. The reliability of Jacobsen's evidence should be tested in court. Therefore, it is my opinion that Corporal 82 Nixon be charged with the assault of Jacobsen, pursuant to section 245.3 of the Criminal Code of Canada.

Inspector Burns in turn wrote to Mr. Madigan on March 8, 1984, with the conclusion arrived at by Mr. Libby. Mr. Madigan in his response dated March 13, 1984, to Inspector Burns wrote:

> ... I am not satisfied that a case can be made out against Corporal Nixon. I apply the same standards to these cases as to any other case and on that basis I cannot see a likelihood of conviction on the

> evidence set out in Mr. Libby's letter. The Crown will, therefore, not support any criminal charges arising from this incident.

After Crown Counsel declined to pursue criminal charges, Staff Sergeant James McNabb and Detective Young, both of Internal Investigation, attempted an informal resolution of the complaint as required by section 39 of the Police Act. Mr. Ritchie wrote a letter to Staff Sergeant McNabb dated March 22, 1984, which was delivered by hand, informing him that an informal resolution of Mr. Jacobsen's complaint would not be accepted.

Mr. Ritchie's letter also indicated that Staff Sergeant McNabb had been of assistance by informing him that: "time is now of the essence with respect to service of documents". This meant that if any disciplinary charges were to be laid, the process must occur within the remaining nine days of March. The advice to Mr. Ritchie and the timing of his letter facilitated this.

Subsequently, Form 2 Notice of Alleged Disciplinary Default was served on Corporal Brian Nixon on March 22, 1984, by Detective Young and again on March 26, 1984, by Staff Sergeant McNabb. This Form 2 notified Corporal Nixon that he was alleged to have committed a

disciplinary default in using unnecessary violence against Michael Albert Jacobsen in the Jail on September 30, 1983.

During this period, Detective Young had been carrying out further investigations of Mr. Jacobsen's complaint. He reported the results to Staff Sergeant McNabb on March 22, 1984. This investigation consisted of further interviews with three officers on duty in the Jail on the night Mr. Jacobsen was incarcerated. These interviews failed to corroborate Mr. Jacobsen's identification of Corporal Nixon as the officer who assaulted him.

Mr. Terrance Bland, Corporation Counsel for the City of Vancouver, had been contacted earlier. He had advised Detective Young that as the identification of Corporal Nixon would not stand up in a hearing, charges under the Police Act were not appropriate. Consequently, Detective Young recommended in his report dated March 22, 1984, to now Acting Inspector McNabb: "that due to the opinions expressed by both Regional Crown Counsel, Mr. Madigan, and the lawyer for the City of Vancouver, Mr. Bland, no action should be taken against Corporal Nixon."

The Police (Discipline) Regulation section 12(1) states that on receipt of the investigating officer's report and recommendations, the Chief Constable or his delegate shall decide on appropriate action. Further, section 16 provides that where the Chief Constable or his delegate considers that no further action should be taken, the member against whom the allegation is made shall be notified.

In this instance Chief Constable Stewart concurred with Detective Young's recommendation of March 22, 1984, with the added comment: "It is indeed unfortunate that we have been unable to resolve this matter." This then ended for the time being action by the Vancouver Police Department on Mr. Jacobsen's complaint. Mr. Jacobsen was then sent a letter and Form 9 notice on March 26, 1984, by Inspector Michael Farren officially informing him that no further action would be taken as the evidence of identification could not result in a conviction. Mr. Jacobsen was also informed as required by the Police Act that if he was dissatisfied with this conclusion he could, within thirty days, request a public inquiry into his complaint.

Mr. Ritchie responded on April 2, 1984, to Inspector Farren on behalf of Mr. Jacobsen giving notice under section 40 of the Police Act requesting such a public inquiry.

2.2 Vancouver Police Board Public Inquiry

The Vancouver Police Board as the disciplinary tribunal established a three member hearing panel. On September 13, 1984, the hearing panel commenced a public inquiry into Mr. Jacobsen's complaint of assault against Corporal Nixon. It's decision was issued on February 5, 1985, by Mrs. Kathleen Keating, Chairman, and contained the following statements:

> This is the most disturbing case that has come before this panel. It involves a young man who was arrested and taken to Jail because he was considered to be too drunk to take care of himself... He arrived at the Jail about 5 a.m. on September 30, 1983, a healthy 25 year old, albeit intoxicated. Five hours later he was sent away with a smashed kneecap....
>
> This case is disturbing to the Board for a number of reasons. First and foremost: it is clear that between the time he arrived in the Jail at about 5:00 a.m. on September 30, 1983, and a time about half an hour later, Mr. Jacobsen suffered a severe injury. Despite some suggestions by several witnesses that it may have been incurred as a result of a fight in the cell or a fall while shuffling with his pants around his knees, there is nothing to corroborate either of these

theories and no reason to disbelieve the testimony of Mr. Rice. The Board therefore is of the view that the injury was caused to Mr. Jacobsen by the actions of one or more of the persons on duty in the Jail that night. However, it is quite true as submitted by Mr. Hall, that there is no reliable evidence of identification on which to base a finding of guilt against any individual officer.

That leads to the second area of concern. It may be that no better identification could have been obtained in any event. But it is possible that proper identification evidence could have been obtained had another lineup procedure been used and used early in the investigation. The photo lineup that was introduced in evidence seemed very unsatisfactory, given the quality and age of some of the photos. The practice of having a group of officers attend in the courtroom and requiring the witness to inspect them there also is inappropriate.

There are good reasons for conducting lineups in a proper setting under controlled circumstances and those reasons do not cease to apply when police officers are the accused.

Thirdly, there was on the night in question a breakdown in the record keeping procedures which ought to have been in effect in the Jail. Corporal Nixon stated to the Investigating Officer that the nursing staff mentioned that they would be bringing up an ice pack for a prisoner with a swollen knee. Yet he did not ensure that an appropriate notation was made in the logbook. Guard O'Hara passed the ice pack to the prisoner but did not ensure that a logbook entry was made. Notes that should have alerted Jail staff, if they had been previously unaware of any incident, were made by the nurse doing rounds at 5:30 a.m. and by the second nurse five hours later. Those notes, or the observations contained in them, were never communicated to Jail staff.

> Fourthly, it is unacceptable that a prisoner should be released from the Jail in the condition that Mr. Jacobsen was without so much as an offer to telephone for a taxi to take him to hospital.
>
> Given the circumstances outlined above, the Board approves the decision of the disciplinary authority to take no action against Corporal Nixon.
>
> However, the matter cannot rest there. A serious injury has occurred and no plausible explanation has been given except one which involves two or more officers in serious breaches of the Discipline Code. That explanation also leads to the inescapable conclusion that at least some of those officers who testified are involved in "covering up" the events of that night. To leave it at that would seriously undermine the integrity of the department in the eyes of the public which it serves and, we believe, in the eyes of its own members.
>
> Therefore, the Board would ask the Chief Constable to undertake a review of this matter for the purpose of concluding: first, what actually happened to Mr. Jacobsen on the night in question; and secondly, who was involved in that incident and in the subsequent cover up. Alternatively, it may be that the Chief Constable may prefer such a review to be undertaken by the British Columbia Police Commission and this would be satisfactory to the Board.

Chief Constable Stewart, in response to the request by the hearing panel, undertook his own review of the matter rather than requesting that such a review be undertaken by the B.C. Police Commission. The following month, on March 21, 1985, the Chief Constable wrote to the Vancouver Police Board informing the Board that he

had discussed this matter with the original investigators, reviewed the investigation file, was satisfied that no new evidence would be uncovered, and: "In my view, a further investigation is not warranted."

The hearing panel had also suggested to the Chief Constable that all of the personnel on duty in the Jail on the dates September 29-30, 1983, be interviewed by the Staff Development Officer. The Chief directed his Executive Assistant, Inspector Farren, to conduct these interviews.

Subsequently, on April 11, 1985, Inspector Farren submitted his report to the Chief Constable in which he described each interview. The interviews with those officers placed at the scene were recorded as follows:

> On 85-03-28 I interviewed Detective 82 B. Nixon. I read Detective Nixon selected portions of the Police Board's findings, conclusions, and recommendations, paying particular attention to the Board's criticisms. Detective Nixon stated he could only agree that the incident most certainly damaged his reputation, as well as all the other members, but more importantly the good reputation of the Force. I informed Detective Nixon that there was an apparent breakdown in the performance of his responsibilities as an N.C.O., inasmuch as his subordinates failed to report to him that an incident had occurred involving Jacobsen. I continued that in future he had better ensure that all his subordinates were aware of their responsibilities and duties and followed them religiously. Detective Nixon assured me that this

would be the case. I terminated the interview at 1830 hours after approximately twenty minutes.
On 85-03-31 at 1800 hours I interviewed P.C. 1127 S. Apostoliuk. I read selected portions of the Police Board's findings to Apostoliuk, paying particular attention to their criticisms. I also informed Apostoliuk of the very serious concerns the Chief Constable and the Executive of the Force had in regards to this incident. I read Apostoliuk portions of his evidence in chief, and evidence under cross-examination. I then read portions of the evidence in chief of P.N. 1049 C. Kristapuk and her cross examination. I asked him to explain the discrepancy. Apostoliuk appeared flustered and replied that he didn't recall telling Kristapuk that Jacobsen had problems being booked and had his face smacked. I asked him, "Why not?" He replied, "I just don't remember." I informed him that his testimony before the Board did nothing to enhance his reputation as a witness. He left the Board with the impression that his evidence was to say the least, selective.

I further informed Constable Apostoliuk that in future he had better make comprehensive notes of all his activities and be prepared to answer for them. I advised Constable Apostoliuk again of his duties and responsibilities as a member of the Vancouver Police Department and the impact inferior performance had on the reputation of the Force. Constable Apostoliuk thanked me for the advice and I dismissed him to his duties at 1830 hours.

On 85-04-04 at 0930 hours I interviewed Constable 1094 J. Kirkbride. I read to him portions of the Police Board report as well as selected portions of his evidence in chief. Kirkbride was mute throughout a great portion of my discussion with him. I asked Kirkbride if he had discussed the incident with anyone lately. He replied, "No." I asked him if he had discussed the incident this day, he replied "No."

Having previously been informed by the Chief Dispatcher that on receiving instructions to report to me Kirkbride had made a meet with Constable 1095 D. Robinson, I asked Kirkbride why he had said no when in fact he had met with Robinson. Kirkbride became flustered and replied, "I only wanted to know if he had any idea why you wanted to speak with me." I asked, "Why Robinson? Why not the C.D.?" He did not reply. I then spent a considerable period discussing his general demeanour on the night of the inquiry and the bad impression he had created. I made sure that Kirkbride was under no misunder- standing as to the reaction of those present during the inquiry.

Constable Kirkbride, at this juncture, appeared appropriately shaken and stated, "I would like to apologize, sir, for my behaviour. It is certainly not my normal behaviour." I accepted this and informed Kirkbride that henceforth he had better ensure that his recollection of events he was involved in were noted and open to recall. He agreed that this would be the case. I dismissed him to duty at 1000 hours.

On 85-04-09 I interviewed P.C.G. 554 T. O'Hara. I read P.C.G. O'Hara selected portions of the Police Board report including findings, conclusions, and recommendations. I paid particular attention the Board criticisms.

I informed P.C.G. O'Hara that there were really only two answers, i.e. the incident occurred as described or it didn't. The Board was faced with apparently sober, independent testimony, as opposed to conflicting police testimony and claims of ignorance by numerous police witnesses. P.C.G. O'Hara replied that he had no knowledge of any assaults and the damage to Mr. Jacobsen's knee could have resulted from a fall. I replied that it was possible, however, there was a weight of evidence and testimony to counter this.

> I concluded my interview by informing O'Hara of the absolute necessity of bringing all occurrences in the Jail to the attention of the N.C.O.'s on duty. P.C.G. O'Hara replied that this was always the case. I replied that this might be the norm, but it most certainly wasn't on this particular evening. O'Hara agreed and assured me of his future continued compliance with all regulations and procedures. He was then dismissed to his duties.

Inspector Farren ended his report with the recommendation that the file be considered closed and no further action be taken against the officers. This step brought to a conclusion Mr. Jacobsen's complaint under the Police Act. Mr. Jacobsen did not appeal to the B.C. Police Commission as provided for in the Police Act but instead pursued his civil action which had been commenced on January 26, 1984.

2.3 Civil Proceedings

Interwoven with the complaint proceedings under the Police Act were the civil proceedings initiated by Mr. Jacobsen to recover damages for his injured knee. Named in the suit as defendants were the following:

THE CITY OF VANCOUVER,
CHIEF CONSTABLE ROBERT STEWART
OF THE VANCOUVER CITY POLICE,
CORPORAL BRIAN ARTHUR RICHARD NIXON,
POLICE GUARD TERRY O'HARA,
POLICE CONSTABLE SHANE APOSTOLIUK,
POLICE CONSTABLE JOHN KIRKBRIDE,
POLICE CONSTABLE DEAN ROBINSON,
SERGEANT ALLAN COX.

Examinations for discovery were conducted of Sergeant Allan Cox, Corporal Brian Nixon, Constable John Kirkbride, Constable Dean Robinson, Constable Shane Apostoliuk and Police Guard Terry O'Hara. All officers again testified under oath as they had before the earlier Vancouver Police Board Hearing. Their testimony did not change materially from that given in the earlier Hearing.

Application was made to the Supreme Court of British Columbia on behalf of Chief Constable Stewart, the Vancouver Police Board and Sergeant Allan Cox for an order that the writ and statement of claim be struck out against them as disclosing no reasonable cause of action and that they cease to be parties to the action. Their applications were heard in B.C. Supreme Court Chambers on January 15, 1986. Madam Justice Proudfoot found that the plaintiff, Mr. Jacobsen, did not establish a reasonable cause of action against these defendants and accordingly the suit against them was struck out. In so deciding, she pointed out that section 54(1) of the

Police Act makes the City liable for tortious actions or conduct of its police officers committed in the performance of their duties.

With one month left before proceeding to trial on February 10, 1986, Mr. Bland submitted a report dated January 8, 1986, to the City Manager for Council's consideration. In addition to Mr. Bland providing legal advice to Detective Young during his investigation, he also had acted as advisor to the Vancouver Police Board during the public inquiry. He was fully aware of the case from its earliest stages. In his report he stated as follows:

> It is my personal opinion that the Board was correct in concluding that there was no acceptable evidence that the officer identified by Jacobsen assaulted him. Given the injuries and the note in the nurses' log, it is difficult to accept that nothing happened. As indicated the "independent witnesses'" testimony is not entirely acceptable. It is my opinion that something happened, probably not as violent as described, but when it was discovered that Jacobsen was injured, witnesses refused to disclose the incident. It is my opinion that the Court will find that Jacobsen's knee was broken as the result of being assaulted in the Jail. On behalf of the City, we have pleaded that, if Jacobsen was assaulted, the assault did not take place in the course of the duties of any police officer and the City is not liable for the assault. Having reviewed the facts, it is our opinion that this defence will not prevail. The City's insurers have denied coverage to the individual officers on the basis of a clause saying that it is not liable for

injuries resulting from intentional or malicious acts. They have not indicated whether they will rely on this exclusion to deny coverage to the City.

The lawyer for the Plaintiff has served the City with an offer to settle at $92,999. The significance of this is that if it is refused and the matter proceeds to trial and Jacobsen is awarded that amount or more against the City, we will be required to double the normal costs, roughly estimated, not counting disbursements, at $8,000. It appears that the City will be found liable and accordingly, an effort should be made to avoid the trial with its publicity and costs.

In all the circumstances, it is recommended that the Corporation Counsel be authorized to pay into Court an amount up to $75,000 together with pre-judgment interest.

Mr. Bland's recommendation was accepted and an out of court settlement was reached with Mr. Jacobsen on February 4, 1986.

At this point there was extensive coverage in the media of the out of court settlement and the previous public Police Board Hearing. Mr. Ritchie, counsel for Mr. Jacobsen, was reported in the press as having negotiated a settlement agreement in which Mr. Jacobsen would be paid $75,000 for injuries plus an amount for interest and legal costs.

The Chief Constable in a newsletter dated February 12, 1986, to all members of the Vancouver Police Department, expressed his deep concern over Mr. Jacobsen's case. He pointed out that the allegation of assault was promptly and fully investigated but due to a lack of identification, charges of assault or Discipline Code breaches were not pursued. This decision was one that was "made with reluctance because it was obvious that something had happened and some member or members were not telling the truth."

He added his own personal comments, part of which are as follows:

> Having said all that, it must not be overlooked that the very same rights and freedoms guaranteed to citizens against self incrimination apply equally to defendant and potentially defendant police officers. Discipline trials are subjected to the rules of evidence required in a court and the onus remains firmly on the prosecution to prove an accused's guilt and not on the accused to prove his or her innocence. Suspicion without direct evidence precludes the laying of a charge regardless of who conducts an investigation.
>
> A member or members broke the rules that night with the complaint of assault as the result. The member or members responsible then hid within the rules of evidence, ashamed to identify themselves and there they remain in hiding to this day, protected, not by Departmental procedure, but by the same rules of law that protect each and every citizen.

This is a disgraceful episode for us all. But what is particularly repugnant is the fact that some members were prepared to drag their immediate colleagues through a criminal investigation and public inquiry because they lacked the courage and integrity to be accountable for their actions. The predictable judgment of their peers must remain on their conscience. The file itself remains active should it ever become possible to prove the perjury that is suspected.

2.4 Proceedings Before the Commission

2.4.1 The Appointment

The Attorney General for British Columbia, the Honourable Brian Smith Q.C., reviewed the case following settlement of Mr. Jacobsen's civil action. Documentation of the case by this stage included the file of the original investigation, the transcript of the public inquiry by the Vancouver Police Board and the transcripts of the examinations for discovery. Following this review, the Attorney General recommended a public inquiry be conducted by the B.C. Police Commission under Part 2 of the Inquiry Act. Subsequently, on March 19, 1986, Order in Council No. 590 was approved. A copy of this Order setting out the terms of the Inquiry is attached as Appendix 'A'.

One of the members originally appointed to the Inquiry subsequently left the B.C. Police Commission and his replacement was appointed to the Commission of Inquiry by Order in Council No. 2381 dated December 10, 1987. A copy of that Order is attached as Appendix 'B'.

Immediately upon the passage of the original Order in Council, Counsel for the Commission of Inquiry were appointed and steps were taken to commence work. Summonses were issued to all witnesses requiring them to appear before the Commission on April 21, 1986, when the Inquiry was to commence. However, before the Inquiry commenced those hearings, legal proceedings were started which were to have a significant delaying effect on the work of the Commission of Inquiry.

2.4.2 The Constitutional Issue

The legal proceedings which caused the delay in the Commission's work concerned the constitutionality of the Order in Council establishing the Commission. They were brought by Petition in the Supreme Court of British Columbia for a declaration that the Order was ultra vires the powers of the Lieutenant-Governor in Council under the Inquiry Act R.S.B.C. 1979, and the Constitution Act, 1867.

The Petitioners were Sergeant Cox, Corporal Nixon, Police Guard O'Hara, and Constables Robinson, Kirkbride and Apostoliuk.

At the time the Petition was commenced, an Order was obtained from the Supreme Court of British Columbia prohibiting the Commission from proceeding with its hearings until after disposition of the Petition.

The case was heard in the Supreme Court of British Columbia on April 16, 1986, before the Honourable Mr. Justice Legg. The learned Judge found that the Order in Council was within the legislative competence of the Province. He concluded that the pith and substance of the Order was an inquiry into the administration of justice in the Province and not, as suggested by the Petitioners, an invasion of the legislative authority of the Parliament of Canada under section 91(27) of the Constitution Act, 1867.

Mr. Justice Legg also rejected arguments advanced on behalf of the Petitioners that the Inquiry would contravene rights protected under certain sections of the Canadian Charter of Rights and Freedoms. He noted that the Commission of Inquiry was a

recommendatory, not an adjudicative body. Further, any testimony of the Petitioners before it could not be introduced in subsequent criminal or disciplinary proceedings against them.

Subsequently, the Supreme Court of British Columbia decision was appealed to the British Columbia Court of Appeal on the issue of the legislative competence of the Province to order the Inquiry. Its judgement of January 15, 1987, upheld the reasons and conclusions of Mr. Justice Legg and dismissed the appeal.

A further appeal on the same issue was taken on June 2, 1987, to the Supreme Court of Canada. It, too, rejected the appeal in its judgement of November 19, 1987.

Throughout the appeal process to the B.C. Court of Appeal and the Supreme Court of Canada, the injunction preventing the Commission from proceeding with its work continued. However, with the decision of the Supreme Court of Canada, the Commission was free to commence its hearing.

Chapter 3

THE HEARING

The Commission set the week of March 14, 1988 to hear those witnesses who had been summonsed to attend.

During the period March 14 to March 18, 1988, the Commission heard the evidence of 23 witnesses. These witnesses together with two volumes of documents, the transcript of the Vancouver Police Board public inquiry, transcripts of the examinations for discovery and a view of the Jail established to the Commission's satisfaction the essential facts of this matter which we now set out.

3.1 The Arrest

The evidence shows that early in the morning of September 30, 1983, Sergeant Robert Taylor of the Vancouver Police Department observed a vehicle driving erratically on Bayswater Street in the Kitsilano area of Vancouver. Thinking that the driver of the vehicle was probably impaired by alcohol or drugs, Sergeant Taylor stopped the car. It had two occupants. The driver gave Sergeant Taylor an out of town address and a date of birth, and claimed that he had no identification with him. Sergeant Taylor, believing that the name and

address were false, asked the driver to step out of the car. As he got out Sergeant Taylor saw an empty knife sheath in front of the driver's seat, and he found a wallet under the driver's seat which the driver admitted was his.

Sergeant Taylor then went to the passenger side where Michael Jacobsen was seated. About this time Constable Robert Hanniford of the Vancouver Police Department arrived in a second police car. Sergeant Taylor asked Mr. Jacobsen his name. Mr. Jacobsen gave his name as Hill and gave an address in Vancouver. Sergeant Taylor asked the passenger (Jacobsen) to get out. He was not able to do so by himself, and Sergeant Taylor assisted him by taking hold of him and bearing his weight. Sergeant Taylor concluded that Mr. Jacobsen was incapable of looking after himself and would probably come to harm if left where he was. He decided to arrest him for being in a state of intoxication in a public place (SIPP). Constable Hanniford and Sergeant Taylor assisted Mr. Jacobsen to the police wagon, which was now on the scene. Mr. Jacobsen was placed on the floor of the police wagon and the door was closed. Mr. John Rice testified that he was in the police wagon, having been picked up for outstanding bench warrants for traffic violations, when Mr. Jacobsen was put in the wagon by police officers.

The driver of the motor vehicle in which Mr. Jacobsen was travelling was also arrested, and placed in a different section of the police wagon.

Sometime during these events the driver told either Constable Hanniford or Sergeant Taylor that the passenger's name was Jacobsen. Constable Hanniford first put "Hill" on the Jail Form 8, and then changed it to "Jacobsen".

Although Mr. Jacobsen told the Commission that he was not intoxicated and got into the wagon on his own steam, it is apparent from the testimony of Sergeant Taylor, Constable Hanniford and Mr. Rice that at this time Mr. Jacobsen was drunk.

When Mr. Jacobsen was arrested he did not resist, nor was he abusive to the arresting officers. The wagon then carried all three people to the Vancouver City Police Station.

Once at the Police Station Constable Hanniford took the driver downstairs for a breathalyzer test. Constable Gordon Coburn of the Vancouver Police Department, the wagon driver, took Mr. Rice and Mr. Jacobsen to the 5th floor of the Vancouver Police Station, where the Jail is located. The Jail 8 Form for Mr. Jacobsen, showing the

name "Hill" crossed out and replaced by "Jacobsen" in Constable Hanniford's writing, was handed over to the officers in the Jail. Mr. Rice and Mr. Jacobsen were put immediately into the holding cell, a wire mesh cage near the booking desk.

Sometime in the events thus far described a police records search was made of the name of the driver and Mr. Jacobsen. This showed that Mr. Jacobsen had a substantial criminal record. We must say Mr. Jacobsen is far from being a model citizen. He had even then a string of charges and convictions including possession of narcotics, refusing to provide a breath sample, conspiracy to commit robbery and escaping lawful custody.

3.2 The Jail

The Vancouver City Police Jail is a crowded area. The office and booking desk area is at the east end. South of the booking desk is the holding cell. West of the holding cell and to the south is Cell C, the drunk tank. Beside the drunk tank is a small cell which is used for strip searches. Other cells are located down a hallway. Also down the hallway is a room used for fingerprinting.

Behind the booking desk in the office area is an elevated platform where the records jailer sits. He monitors a video screen showing the entrance to the elevator on the ground floor and provides access to the Jail area by a control system after intended entrants have identified themselves.

3.3 The Shift

On shift in the early hours of September 30, 1983, were Sergeant Cox, the senior N.C.O. on shift; Corporal Nixon, the second in command on shift; Police Guard Wintrip acting as the records jailer; Police Guard O'Hara acting as the booking jailer; Constable Robinson, generally acting as searching jailer; Constable Kirkbride, generally acting as assistant jailer; and Constable Apostoliuk acting as custodial jailer.

In addition, there were two police nurses on duty on the 4th floor, Nurse Carol Kristapuk and Nurse Doreen MacKay-Dunn. Nurse Kristapuk was assigned to make rounds on the 5th floor. Nurse Mackay-Dunn stayed on the 4th floor where the women's cells are located.

The night shift which ended around 6:00 a.m. September 30, 1983, was busy. That Wednesday had been welfare day. Both in the Jail and at the Public Information Counter there had been considerable activity.

3.4 The Booking

At 5:01 a.m., a police officer took Mr. Jacobsen out of the holding cell to be booked. At that time:

a) Police Guard Wintrip was away from the 5th floor photocopying. This was normal activity for him at this time of a night shift.

b) Constable Robinson testified that he was likely off the 5th floor at that time. Documentary evidence establishes that he was present and participated in bookings at 4:35 and 4:50 a.m. At 4:59 a.m., he started to fill in a booking form as booking jailer with Constable Apostoliuk as searching jailer. This form was completed by another officer, indicating that Constable Robinson left the floor in the midst of booking that prisoner. No witness places him in the Jail at the time Mr. Jacobsen was booked.

c) Sergeant Cox testified that he did not recall Mr. Jacobsen and that at about 5:00 a.m. on that shift, he was probably in the kitchen or at home. He testified before us, for the first time at any proceedings, that he had an ear ache that night and may have left work early.

The events that took place when Mr. Jacobsen was removed from the holding cell and booked cannot be described with precision. It is our conclusion, from the evidence presented, that Mr. Jacobsen was at this point assaulted by one or more members of the officers on duty and that as a result his left kneecap was broken.

When Mr. Jacobsen was brought to the booking desk he was booked by Police Guard O'Hara. Witnesses place Corporal Nixon in the area near the booking desk, perhaps on a stool beside it. We accept this although Corporal Nixon does not recall it. Mr. Jacobsen says that he was asked his name, said "Hill", and was slapped. He says he was slapped by the officer who took him from the holding cell, by the person behind the booking desk and by another. He says one of these people was gray-haired and mustachioed. He claims he was choked until he lost consciousness, and that when he regained consciousness he was lying face down on the floor with someone stomping on the back of his leg. He says there were

three or four persons around him, and that when he looked up he saw the same gray-haired, mustachioed individual. From a poor photo line-up, he identified Corporal Nixon as the assailant.

Mr. Rice saw and heard a portion of the events from his viewpoint on the floor of the holding cell. He said that he heard slapping. He stated that a police officer walked in front of the holding cell with his back to him, as if to block his view of what was transpiring. He said that through the legs of the police he could see Mr. Jacobsen being pitched into the wall, and then picked up by his belt and scruff of the neck and thrown to the hard floor face down.

There are both consistencies and inconsistencies between the evidence of Mr. Jacobsen and Mr. Rice. A portion of what Mr. Jacobsen describes could not have been seen by Mr. Rice, even if it happened. A portion of the events that Mr. Rice describes would not be recalled by Mr. Jacobsen if he was unconscious. Many of the discrepancies can be explained by Mr. Jacobsen's intoxication and Mr. Rice's poor vantage point. It is, however, clear that the core of the allegations occurred. Mr. Jacobsen was slapped, pushed and thrown to the floor.

The evidence that violence was administered to Mr. Jacobsen by police officers is corroborated by Nurse Kristapuk. She testified that Constable Apostoliuk said, around 5:30 a.m. when she was visiting the cell, that there had been some problems with the booking and Mr. Jacobsen got his face smacked.

After the beating of Mr. Jacobsen he was hauled to the drunk tank. A skin search was apparently done. There is reference in the evidence of Constable Apostoliuk and Police Guard O'Hara of a skin search being done of Mr. Jacobsen, and in Constable Kirkbride's evidence of a skin search being done which accords with Police Guard O'Hara's and Constable Apostoliuk's descriptions but does not identify Mr. Jacobsen as the subject. The evidence of these three is that the search was in front of the drunk tank and that the prisoner refused to pull up his trousers, going into the Jail cell with them about his ankles.

This is inconsistent with the practice of doing skin searches in the small adjacent cell and removing all clothing in order that it may be searched; this is one of the objectives of a skin search. Nor is it consistent with the evidence of Mr. Rice who saw trousers being flung across the floor. Further, while improbable that Mr. Jacobsen had the trousers about his

ankles when he went into the drunk tank, that version of the events would be consistent with a concocted explanation as to how Mr. Jacobsen injured his knee once in the drunk tank. We do not believe that Mr. Jacobsen had his trousers about his ankles when he went into the drunk tank, and we accept the evidence that a skin search of him was conducted. This search was performed by Constable Apostoliuk with the probable help of Constable Kirkbride.

3.5 After the Booking

Mr. Rice was booked and released on a Promise to Appear at 5:10 a.m. by Police Guard O'Hara. He testified that he was so frightened by the handling of Mr. Jacobsen that he did not look at the face of the police officer who took him from the holding cell or who released him. Corporal Nixon testified that on some occasions he would complete the Promise to Appear form in his office and have it given to the prisoner by another officer who would watch the prisoner sign it. It appears from the documentation that Police Guard O'Hara released Mr. Rice, although we do not have available to us the affidavit form on the back of the Promise to Appear

which would show conclusively the name of the officer who witnessed the prisoner's signature on the Promise to Appear. It has gone missing.

When Nurse Kristapuk made her rounds at approximately 5:30 a.m. that day Mr. Jacobsen complained to her of his knee. At the time he was fully clothed. His knee was swollen, but not badly. Mr. Jacobsen said to her "some of your buddies did it". She testified that she looked inquiringly at Constable Apostoliuk who, as previously described, explained that there had been some problem in booking and Jacobsen's face had been smacked. Nurse Kristapuk testified that there was no other visible injury to Mr. Jacobsen. This is consistent with the evidence of Dr. Hugh Miller, the surgeon at Vancouver General Hospital who operated on Mr. Jacobsen's knee later that day.

Nurse Kristapuk prepared an ice pack, sealing the ice pack immediately in front of Corporal Nixon's office. She testified that she thinks, but is not certain, that she mentioned to Nixon that she had an ice pack for a prisoner. One of the police officers on duty let her into the cell in order that she could administer the ice pack. She does not recall who.

Nurse Kristapuk entered her conversation with Mr. Jacobsen in the nurses' log book later that shift.

Throughout this time no entry was made in the N.C.O.'s log book of an incident with Mr. Jacobsen. It is significant that an entry was made of an incident between Constable Kirkbride and a prisoner while the two were alone in the fingerprint room. All officers testified that they knew of the requirement that incidents such as that which happened to Mr. Jacobsen, be entered in the log book.

It was Corporal Nixon's task to enter such incidents in the log book if he was the N.C.O. in charge at the time of the incident. One would expect an inquiry to be made of the reason for administering an ice pack to a prisoner. Corporal Nixon does not recall knowing of the ice pack or discussing it. It does not seem reasonable to us that the ice pack would be sealed with no mention to him of its intended use. This may indicate a decision had been made not to enter the incident in the log book.

The fact that Constable Apostoliuk admitted there were problems and said the prisoner's face was smacked indicates minimization of the incident, a trivialization of the violence that occurred in the Jail that morning.

3.6 The Release From Jail

At approximately 10:30 a.m. September 30, 1983, Dr. Lyle Thurston, a medical doctor, made a cursory examination of Mr. Jacobsen's knee. He observed that it was swollen and advised Mr. Jacobsen either to go to Emergency or to see his doctor. He did not mention to the N.C.O. then on shift that he had recommended to Mr. Jacobsen that he needed to go to Emergency, or that Mr. Jacobsen had any injury. Although Mr. Jacobsen was clearly limping, he was released without any offer of assistance or inquiry as to how he would reach a hospital.

Mr. Jacobsen testified that after he was released he hobbled out of the Police Station and made his way down the street. He testified that his knee was extremely painful, that he was unable to put any weight upon it and that he supported himself by leaning against the buildings. This is corroborated by Constable Richard Drescher and Ms. Nancy Staar, a civilian employee of the Vancouver Police Department. Constable Drescher testified that he encountered Mr. Jacobsen, who was known to him, outside the Police Station and assisted him for a short distance. Mr. Jacobsen told him that he had been injured in the Jail and Constable Drescher explained how to complain to the Internal Investigation Squad of the Department. Ms. Staar, another former

acquaintance of Mr. Jacobsen, testified that she observed Mr. Jacobsen leaning with his arm around Constable Drescher and that to her it looked as if he had been drinking the night before. She testified that she knew Mr. Jacobsen's knees to have been badly scarred several years prior to this chance encounter.

Eventually, Mr. Jacobsen arrived at the Emergency Department of the Vancouver General Hospital. He told the nurse that he had been beaten up in the Vancouver Jail. He also told the doctor, Dr. Miller, that he had been beaten up in the Jail. Dr. Miller, testified that Mr. Jacobsen's kneecap was broken into two pieces. He testified that such a fracture would occur by a direct blow to the kneecap or by a force hitting the knee from behind propelling the kneecap to a hard surface, thereby causing a fracture. The kneecap was conspicuously in two pieces, with a space which could be felt, about a quarter of an inch, between the two portions of bone.

As a consequence of this injury Mr. Jacobsen underwent surgery September 30, 1983. He had two further operations on his knee, the need for which may have stemmed from his over-use of the knee before it was ready.

3.7 The Complaint and Investigation

As reported earlier, Mr. Jacobsen's mother came to the Public Information Counter at 6:15 p.m. September 30, 1983, and complained of her son's kneecap being fractured by police officers in the Vancouver Jail. Although this inquiry was the first time that the Public Information Counter officer who noted her complaint in the log book had been asked about the complainant, four and one-half years later he was able to recall for us some aspects of her demeanour. This is consistent with the recollection one would expect police officers to develop in their work and is in marked contrast to the poor recollection of some officers on significant matters concerning this incident. This officer referred her to the Internal Investigation Squad office, fourth floor, on Monday morning. Sometime during the same day Mrs. Jacobsen also phoned the Jail and complained to Constable Kirkbride of the injury received by her son. On Monday, October 3, 1983, as previously advised to do, she complained to Internal Investigation Section of the injury to her son. Mr. Jacobsen later complained in writing of the incident by letter dated October 7, 1983, which was received by the Chief Constable of the Vancouver Police Department October 14, 1983, and referred to the Internal Investigation Section on October 17, 1983.

The evidence of the investigation is almost as unsatisfactory as the evidence of the events of September 30, 1983. Constable Kirkbride was aware the next day of the complaint by Mrs. Jacobsen. There is evidence that within days of September 30, 1983, Sergeant Cox spoke to his staff to enquire whether there had been an incident with Mr. Jacobsen on September 30, 1983. Nurse Kristapuk testified that within days of the incident Sergeant Cox spoke to her about her entry in the log book, wanting to know whether there were any "heavies" on the staff. Sergeant Cox believes that he did not speak with anyone until Detective Young first spoke to him. We believe that Sergeant Cox spoke to Nurse Kristapuk and to most of the officers who were on night shift September 29, 1983, within a short time of the incident. Within days, most officers on shift in the early hours of September 30, 1983, knew that Mr. Jacobsen was alleging that members of the shift had broken his kneecap.

Detective Young destroyed his notes of the investigation after he was transferred out of Internal Investigation. Consequently, it is not possible to determine when he spoke to the various persons involved in this event or even the date he commenced his investigation.

It is clear, however, that Detective Young did speak with each person who was on shift in the Jail at the time that Mr. Jacobsen was booked. Some of these discussions were more than a month after the event. In some discussions he revealed to the subject officer what other officers had told him before asking for a written statement from that officer. The statements he received are vague and generalized. Some are alike on facts which cannot be believed; for example, the pants of Mr. Jacobsen being about his ankles when he was placed in Jail. The officers were not closely questioned about their statements after giving them to Detective Young. Even taking into consideration that Mr. Rice denied an incident until February, 1984, at which time he came forward with the description of events that he has since consistently adhered to, the quality of statement taking and questioning was not adequate.

Further, Mr. Jacobsen was presented with a photo lineup of all persons on shift September 29-30, 1983. Only one was gray haired and mustachioed. From this lineup he identified that individual, Corporal Nixon, as the assaulter. The other photos were poor images of the officers. Not all were current. Some where unclear. Not surprisingly Mr. Jacobsen would not identify any of the other officers involved. This Commission could not

even identify the individuals in the photos after seeing them testify in a well lit courtroom where they were the subject of individual observation.

The other prisoners present in the drunk tank when Mr. Jacobsen was admitted were described by Detective Young as transients. They had no fixed addresses and none were located.

Chapter 4

CONCLUSIONS

4.1 Conclusions of Fact

Based on the evidence presented at this Inquiry, we have come to the following conclusions:

4.1.1. Mr. Jacobsen was arrested for his own safety due to his state of intoxication. He was taken to the Jail rather than the Detoxification Center even though the Center was at approximately eighty percent of its capacity that particular morning.

4.1.2. An attempt at deception by Mr. Jacobsen as to his identity at the booking counter of the Jail precipitated an assault on him by one or more officers present at the time, directly resulting in Mr. Jacobsen's broken kneecap.

4.1.3. There was collusion during the assault on the part of one officer who purposely blocked the view of the independent witness in the holding cell, Mr. Rice. This officer moved back and forth in the immediate front of the cell so that Mr. Rice could

not properly see what was happening and therefore could not properly identify the perpetrators of this assault.

4.1.4. At the time of the assault on Mr. Jacobsen, three of the seven officers on duty were present, being Corporal Nixon, Police Guard O'Hara and Constable Apostoliuk. A fourth officer, Constable Kirkbride, was either present during the assault or so shortly thereafter that he knew of it.

4.1.5. Neither Sergeant Cox, nor Constable Robinson, nor Police Guard Wintrip were at the scene at the time of Mr. Jacobsen's assault and are not implicated in it.

4.2 Comments on Conclusions of Fact

4.2.1 In reaching our conclusions of fact, credibility was the key issue for the Commission. We were struck by the fact that for those officers at the scene there was very little recall. The responses "I don't remember", "I can't recall", "It has been a long time", were put forth with persistence. (Our conclusion at paragraph 4.1.4, is based more

on what the officers said about each other than their evidence as to their own location). By contrast, those not on the scene at the time of the assault had a level of recall that one would expect of trained and experienced police officers.

Of particular concern is the fact that this pattern of believability varying by one's proximity to the scene has occurred before in this Jail setting. In the year previous to Mr. Jacobsen's assault, another citizen filed a complaint of assault by the jail staff. The internal investigation and discipline process found the accused officer not guilty and no action was taken. The citizen appealed to the Vancouver Police Board which then held a public inquiry. The similarity to the current situation is striking. The complainant was not an exemplary citizen; there was no justification for beating and kicking a single prisoner in a solitary cell; police witnesses under oath stated they could not recall.

The Chairman of that inquiry, Mr. Sholto Heben[illegible]n Q.C., in the decision of the Board dated December 14, 1982, expressed the concerns raised in the minds of the Board:

> The inquiry to determine what happened in the cell in which Mr.___ was held reflects most unfavourably on the Vancouver Police Force. Fourteen of the Board's employees gave evidence on oath. Those witnesses stated no fewer than 64 times that they could not recall the fact with respect to which they were questioned.
>
> Moreover, a close review of the pattern of forgetfulness raises very serious concerns about the events of the night in question. The propensity for police members not to recall events varies directly with their proximity to the place where Mr.___ claimed that his beating occurred.
>
> We are troubled by the numbers and patterns of "can't recall" responses. We are troubled by the conflicts in evidence as between members of the Force describing the same systems.

The Board concluded: "that the situation must be improved and that rather than refer the matter to further inquiry or the Police Commission we refer it to the Chief Constable for his review and consideration." Again, there is a similarity to the decision of the Board in the Jacobsen case.

On this issue of credibility, we do not accept the evidence of the four officers named in paragraph 4.1.4. It is our opinion that they engaged in a conspiracy of silence coupled with the thinly disguised coverup of Mr. Jacobsen standing with his

pants around his ankles. Lies and deception followed. They were not truthful during the Internal Investigation of Detective Young. The written statements they provided him are so limited and vague that the suspicion of coverup is unavoidable. At the Vancouver Police Board inquiry they lied under oath. At the examinations for discovery they again lied under oath. Following this they were not forthcoming to Inspector Farren in the follow up to the Police Board's inquiry. Finally, they lied under oath to this Commission of Inquiry.

4.2.2 A cowardly attack occurred on Mr. Jacobsen who was taken into custody not for any criminal offence but for his own protection. His state of intoxication was such that he would have found it next to impossible to defend himself against his assailant or assailants. Further, no officer present took any action to prevent this assault.

It is ironic that these same officers took the Oath of Office upon their appointment as sworn members of the Vancouver Police City Department which charges them to cause the peace to be preserved and to prevent all offences against the persons and properties of Her Majesty's subjects. In this

instance, they violated their Oath of Office by either active participation in the assault or simply standing mute and motionless. There was a moral obligation, as well as a legal duty, upon these officers to protect Mr. Jacobsen. In this they failed.

4.2.3 It is a distortion of values that places a coverup to protect fellow officers ahead of the Oath of Office, the integrity of the police force and the law every constable has sworn to uphold faithfully. This corruption of integrity and diminishment of values is as grievous as an assault upon a citizen in protective custody. Police officers occupy an unusual position of trust and responsibility in our society. Society invests them with special powers over others and depends on their integrity and judgment to exercise properly these powers. Any erosion of this integrity undermines the very foundation of our system of policing.

4.2.4 There were two NCO's on duty the night of Mr. Jacobsen's assault. The senior NCO was in the kitchen, or on his way home, at the time of the assault. While it may be excusable for the senior NCO to be absent from the floor for a short time

when another NCO is on duty, it is clear that the responsibility for the area remained with the senior NCO.

However, we observed a disturbing lack of acceptance of responsibility for the assault on Mr. Jacobsen by both NCO's on duty that night. Their behaviour, in overlooking their supervisory responsibility and denying accountability, is not consistent with expected supervisory accountability and acceptance of responsibility integral to such taxing work. Further, the reporting relationship between medical staff and the NCO was inadequate. This resulted in the NCO denying knowledge of information in the medical staff's possession.

It is important that the accountability and responsibility of superior officers, so lacking the night of Mr. Jacobsen's assault, be maintained and emphasized. Particular care must be given to ensure that the NCO is aware of all incidents and conditions in the Jail.

4.2.5 There are three jails in a one block radius; the Vancouver City Police Jail where this incident occurred, the Vancouver Provincial Court Jail and

the Vancouver Pretrial Service Center. Tunnels connecting them exist but access to the Vancouver City Police Jail has been blocked off at both ends.

A recent inspection report of a Section of the Vancouver Police Department by the British Columbia Police Commission commented on the proximate co-existence of these jails. A cop of that portion of the inspection report dealing with this issue is attached as Appendix 'C'.

There are 24 police officers employed within the Vancouver City Police Jail, in addition to guards and cooks. These officers are trained in prevention and detection of crime and apprehension of criminals, not in custodial work.

The Jail itself is old. Both the design and amenities are outdated and well below the standards of modern facilities.

We are concerned that the operation of the Jail by the Vancouver Police Department may not be the most efficient use of resources in 1988. The Department itself has, on more than one occasion, expressed the desire to be out of the Jail business.

4.2.6. There was, at the time Mr. Jacobsen was assaulted, no video monitoring or recording in the Jail. The use of video has been raised by the Vancouver Police Board and has been proposed by the Department as part of its budget submission. Although video monitoring and recording in the Jail would be protective of both the officers and the prisoners, to date no equipment has been installed.

4.2.7 The Commission wishes to note that the Vancouver Police Department has moved to improve some of its procedures which were found wanting by this incident.

Written procedures have been improved outlining the steps a police officer must follow when receiving a citizen's complaint.

A complainant is now better advised on the complaint process including the name of the officer who will be responsible for the investigation, and the responsibilities of the complainant.

Photographic lineup procedures have been changed in two ways. Firstly, police officers are required to have a photograph taken every five years.

Secondly, every photo lineup must include nine photographs of persons other than the suspect officer.

All notes made as part of an internal investigation are retained on file. No notes are destroyed by the investigator leaving the Internal Investigation Section. Further, files are reviewed by a supervisor before an investigation leaves the Section.

Chapter 5

RECOMMENDATIONS

5.1 Recommendations

It is not this Commission's purpose to determine criminal responsibility. Rather, the mandate of this Commission is to investigate the alleged facts of wrong doing and to make recommendations to the Lieutenant Governor in Council.

5.1.1 Based on our conclusions as to facts, it is our recommendation that this matter be referred again to Crown Council for review. This review should not be limited to the specific assault charge previously considered, but should be expanded to possible conspiracy, perjury and charges relating to the suppression of evidence.

5.1.2 We further recommend that the discipline authority under the Police Act review the conduct of the four officers mentioned who, in our opinion, by the assault on Mr. Jacobsen or by not properly protecting him, and by the conspiracy of silence that followed, have undermined the reputation of the Vancouver Police Department.

5.1.3 We recommend that a study be ordered on the operation of the three jails in the one block radius, with particular emphasis on the viability of discontinuing the operation of a jail by the Vancouver Police Department.

5.1.4 We recommend that a program be developed for enhancement of police ethics. This should be pursued by the Police Commission itself in conjunction with the Vancouver Police Department, other municipal police departments and the Police Academy at the Justice Institute of British Columbia. The program should not only focus on the infusion of values, but also on their maintenance so as to foster consistency and achievement of the high standard of integrity commonly displayed by professional police officers.

5.1.5 We recommend that video monitoring and recording equipment be installed to cover the booking and other critical areas of the Vancouver City Police Jail.

APPENDIX 'A'

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 590 , Approved and Ordered MAR 19 1986

Lieutenant Governor

Executive Council Chambers, Victoria MAR 19 1986

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

1. A Commission be issued appointing Malcolm A. Matheson, chairman of the British Columbia Police Commission, and Mary Saunders and Richard M. MacIntosh, both members of that Commission, to be commissioners under Part 2 of the *Inquiry Act*, to enquire into and report on all matters associated with the alleged injuries sustained by Michael Albert Jacobson on September 30, 1983, and which were stated by him to have been caused during his detention in a Vancouver Police Station on that date; And upon the results of the internal police inquiry, investigations and hearings following complaint by Mr. Jacobson under the *Police Act*, and whether all relevant evidence was properly adduced and truthfully given at these inquiries and hearings. In particular the Commission is directed to enquire, investigate and report on
   (a) all factors surrounding the detention of Jacobson at the Vancouver Police Station on September 30, 1983, particularly, the reason for and the period of detention,
   (b) whether Jacobson sustained injuries while detained in Police custody and if so, the extent thereof, the person or persons who inflicted them, the reason for so inflicting them and the time and place the injuries were sustained,
   (c) whether any member or staff of the Vancouver Police Force or any other person contributed to, or had or acquired knowledge of, Jacobson's injuries, and if so, who were they, and where and to what extent did each contribute to the injuries, or have or acquire such knowledge,
   (d) whether any police officer who had knowledge of the perpetration of an assault (if any) on Jacobson took steps to protect him from injury, and if not, why not, and

...2

Attorney General

Presiding Member of the Executive Council

(This part is for the records of the Office of Legislative Counsel, and is not part of the Order.)

Authority under which Order is made:

Act and section: Inquiry Act, s. 2

Other (specify):

Examined by: George B. Macaulay
(Attorney General nominee)

(e) all records of internal disciplinary investigations, legal proceedings and other enquiries which took place as a consequence of complaints by Jacobsen under the *Police Act* or by civil action against the Vancouver Police Force, and whether in the opinion of the commissioners evidence was falsified, not adduced or suppressed at any of these investigations, proceedings and enquiries, and if so, to what extent and, where appropriate, by whom.

2. To assist in achieving the objects of the said enquiry, the Commission shall provide that
   (a) the Attorney General appoint counsel to the commissioners,
   (b) the commissioners as well as counsel appointed under paragraph (a) have full powers to examine and cross-examine any person giving evidence at the enquiry, and
   (c) without limiting or restricting the rights and powers conferred on them by law, the commissioners may
      (i) make orders temporarily banning the publication of evidence received during hearings for such period as the commissioners consider necessary to make accurate findings of fact on all evidence taken, and
      (ii) exclude persons attending the enquiry as witnesses from hearing evidence tendered by others, with right to make orders on witnesses respecting non-disclosure of evidence tendered or to be tendered on conditions and during such period as may be set out in the order.

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

APPENDIX 'B'

Order in Council No. 2381 , *Approved and Ordered* DEC. 10.1987

Lieutenant Governor

Executive Council Chambers, Victoria DEC -9.1987

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

(a) the appointment on March 19, 1986 of Richard M. MacIntosh to the commission to enquire into the injuries sustained by Michael Albert Jacobson is rescinded, and

(b) a supplementary commission be issued appointing J. David N. Edgar, Deputy Chairman of the Police Commission, to that commission of enquiry.

Attorney General

Presiding Member of the Executive Council

(This part is for the records of the Office of Legislative Counsel, and is not part of the Order.)

Authority under which Order is made:

Act and section:- Inquiry Act, section 8

Other (specify):-

Examined by: G.B. Macaulay
(Attorney General examiner)

November 25, 1987

3475/87/kmr

3 Jail Operation
History and Background

1954 - 1955: The Vancouver Police Jail was constructed in 312 Main Street approximately 34 years ago. Until 1972, it was the only lock-up functioning in the downtown area which held prisoners for appearance in City Magistrate's Court. The courts, during that period, were operating at 310 Main Street, adjacent to the police station at 312 Main.

1972: The City of Vancouver began construction of a new court house to be located at 222 Main Street, directly across Cordova Street from the police building at 312 Main.

1973 - 1974: Following the election of the NDP in 1973, the Justice Development Commission was formed. The JDC recommended the establishment of Court Services Branch and Sheriff Services, which were organized about 1974. Sheriffs became responsible for prisoner escorts, including escort of City Police Jail prisoners to and from court. Court Services assumed responsibility for completion of the new court building at 222 Main Street.

While the City of Vancouver had been planning and building 222 Main, there had been plans made to connect the Vancouver Police Jail to the court by way of a "sky walk". The JDC reportedly squelched the idea because of its high visibility to the public. The reason was, "Justice must not only be done but must be seen to be done". There was, in other words, a philosophical need to separate the administration of justice and enforcement. It was on this basis that a decision was made to establish a tunnel connection between the two facilities.

The Tunnels: 222 Main Street was constructed with two tunnels (a prisoner tunnel and a staff tunnel) planned to give access to 312. The tunnels were completed but were subsequently blocked off. The necessary modifications to 312 were never undertaken. The reason(s) for this do not appear to have been documented and there are varying accounts as to why.

(1) One theory is that a dispute occurred between Vancouver City Police management and the Provincial Government over who was to pay for modifications to 312 and that

work was stopped by the Provincial Government, based upon the JDC preference for separation of administration of justice and enforcement.

(2) Another source speculated that the police were concerned for security reasons about a direct internal access to 312 from the court complex.

(3) It is also possible that a lack of progress with negotiations between Vancouver Police and Provincial Sheriffs and Corrections over transfer of police responsibility for running of the police jail may have stalled the tunnel project.

Whatever the reason, two (2) tunnels do exist, are virtually complete, but have never been used as intended. They run under Cordova Street between the 222 Sheriff lockup and the basement of 312. The tunnel intended for prisoners ends just beneath the north wall of the property storage room of 312. It is fully lighted with fluorescent lighting. The staff tunnel alongside appears to terminate about 10 feet north of the same wall and is unlighted. It contains wiring and other infrastructure including the computer link between 312 and 222. (See Appendix A).

Plans for the prisoner tunnel called for its extension under the present basement floor of 312 to a stairway which would access a corridor to the basement entrance of the jail elevator.The staff tunnel would have been accessed by new stairs from the current basement (see Appendix B Page 1) which are facsimilies of drawings of planned modifications to 312.

Previous Jail Unification Attempts

August 1975 - Police Lock-up Committee - L.M.R.C.C. Burnaby, B.C.

There had been a committee of representatives of the Vancouver Police, the B.C. Sheriffs Services and B.C. Corrections which was examining the issues involved in opening a police lock-up at the L.M.R.C.C. in Burnaby. Presumably the idea was to reduce the Vancouver Police jail to a temporary holding area by transferring most prisoners to a L.M.R.C.C. lock-up. A number of constraints were examined

which appear to have prevented the scheme from coming to pass.

1978-1982: Vancouver Pre-Trial Services Centre was planned and constructed. It was located at 275 E. Cordova Street with an interconnecting tunnel to Sheriff lock-up at 222 Main. During the years leading up to and including this period, the issue of jail unification had been discussed by VCP and the Provincial Government Sheriffs and Correction officials but has never been resolved.

1987: The subject of multiple jails operating independently in close proximity to each other has come up again. This time it is in connection with Provincial Government plans to construct new jail facilities in Surrey. Current plans for that area call for an integrated complex to serve both Corrections (Pre-Trial) and Court Services. A tunnel connection will link the R.C.M.P. lock-up which will be maintained in its present state (at the insistence of the R.C.M.P.). Decisions taken by the Executive Committee of the Attorney General's Department on the Surrey complex will no doubt bear heavily on what may eventually evolve at 312 and 222 Main and the Vancouver Pre-Trial Services Centre (275 E. Cordova).

Current Situation at 312, 222 and VPSC:

The three jail system poses a number of administrative and practical problems which unnecessarily complicate the handling of prisoners and the legal processing of accused persons in custody. These have to do with their security and movement between the three facilities as well as the administrative and legal documentation which must accompany them.

There has been only one study of the three jail system which can be considered reasonably comprehensive, but it is not clear under what mandate it was conducted. It resulted in a report prepared jointly in 1985 by Don BILINSKI, then Assistant Sr. Deputy Sheriffs Control Escorts, Terry EGAN, Director of Vancouver Pre-Trial Services, and Ken MILES, S/Sgt. I/C Vancouver Police Department Dentention Annex. The following excerpts are drawn from that report which accurately describes the situation today.

I. "Facilities (See Appendix C)"

"In order to better understand Management of Prisoners in Vancouver, one must first understand the layout of the three facilities in relation to one another. The three buildings are positioned in an "L" shape. Vancouver Provincial Court (222) and Vancouver Pre-Trial Services Centre (VPSC) are housed in one city block with internal access between the two buildings via a connecting tunnel. Vancouver City Police (312) is positioned directly across the street from 222 in a separate city block without internal access to either 222 or VPSC." The reason for this was explained earlier.)

II. "Operations"

"As prisoners are processed through the three facilities the responsibility for safekeeping changes from the police to the Sheriffs to Corrections. The police are responsible from the time of the initial arrest until charges are approved by Crown Counsel and accepted by the Justice of the Peace. The Justice of the Peace initiates the official court file at which time the Sheriff (Court Services) becomes legally responsible for the safekeeping of the prisoner(s). The prisoner(s) then makes his/her first appearance in court and is either released on bail or remanded in custody. If remanded in custody, Corrections then become legally responsible for the safekeeping of the prisoner(s) once proper legal documentation has been drawn up and delivered into their hands.

This process, although seemingly simple from an operational viewpoint, is quite complex when one looks at the various systems utilized by the police, the Courts and Correction. Each case involves a multiple process, often duplicating the activities of the previous facility -----."

III. "Systems"

"The systems used by each facility can basically be broken down into two parts:

(a) The paper process (the make-up and handling of documentation).

(b) The processing of prisoners (actual handling of the prisoners)."

The report goes on at length to narrate the processes. It includes an Appendix B, pages 1 and 2 which effectively illustrates those processes and which is reproduced here. (It should be noted that the drawing in both Appendix A and B of the report have been changed to reflect what we now know about the tunnels.)

A recommendation of this 1985 report was to complete the tunnel link between VCP and Sheriffs lock-up. Another dealt with a proposed Televideo system while a third concerned overnight holding of remanded Federal prisoners at VPSC.

Appended to the report was a comprehensive report on a Security Inspection of the Law Courts carried out by Cpl. A. Smith of Security System Section "E" Division RCMP. The report referred to the Sheriffs holding cell area as "... in its entirety ... a disaster to say the least."

Prisoner Responsibility

One of the reasons that the apparently wasteful three jail system has been perpetuated is undoubtedly the issue of who is responsible for the care and security of prisoners, and at what stage(s) of the justice process does the responsibility change from police to the province or the federal government.

The process is not easily explained. A lengthy report on the subject was prepared in July 1985 by the B.C. Police Services Branch. An appendix to that report is a chart which attempts to outline one concept of the responsibility allocation. It should be noted that this concept may not yet be universally accepted. The Appendix is nonetheless useful as a starting point in understanding the issue. It is reproduced as Appendix D.

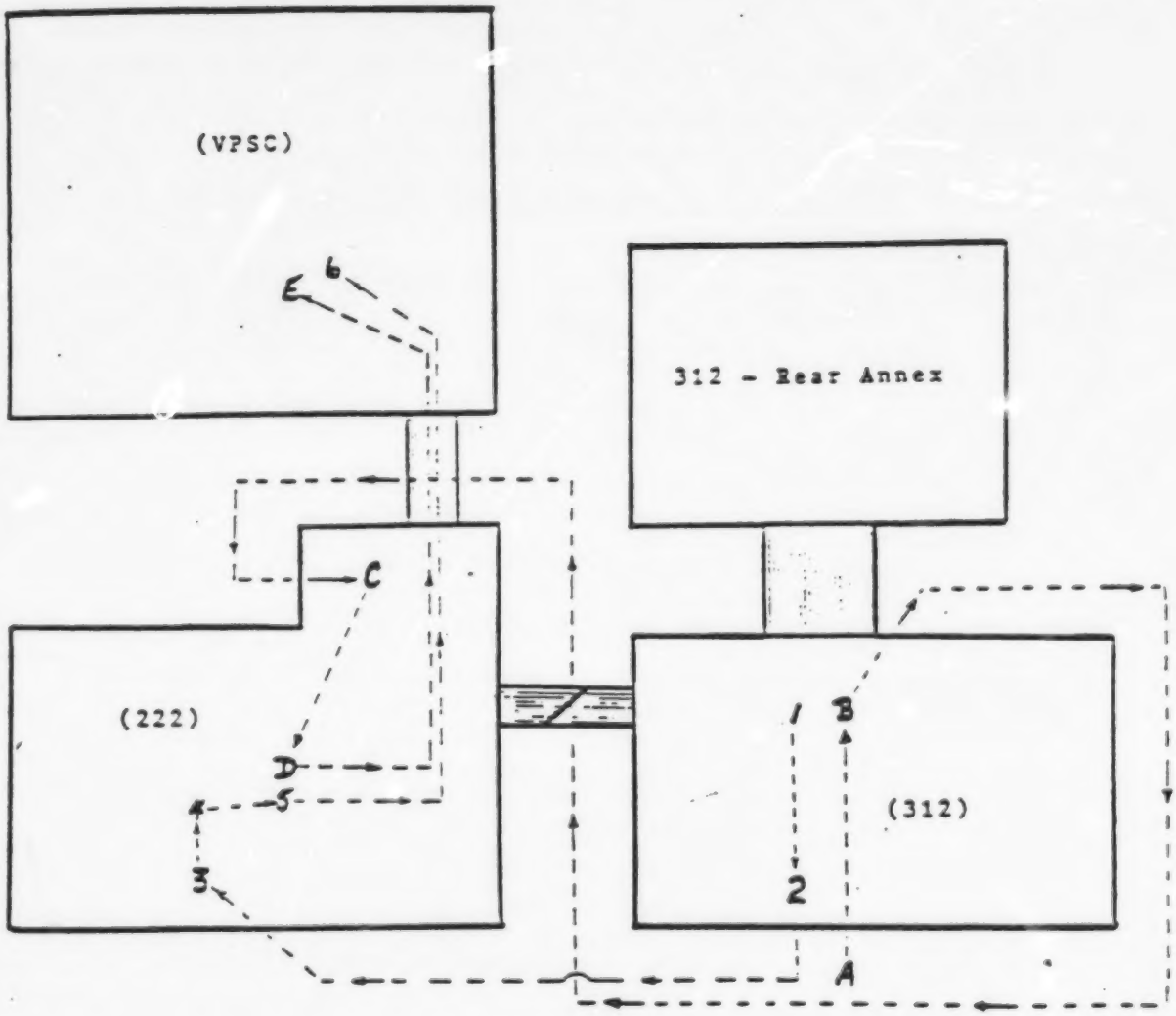
Prisoner Management - Alberta

The current system in Alberta is that Corrections are responsible for operating detention facilities. For example some time ago the operation of the Calgary Police Service lock-up was assumed by Alberta Corrections Branch who contracted with the City to use the existing police detention facility. It is now operated as an extension of the Remand Centre and is staffed by Corrections personnel. Prisoners

held in the unit generally appear in Provincial Court within 24 hours. Those not granted bail are transferred to the Remand Centre which holds all remand status prisoners throughout the duration of the trial. (Please refer to Appendix "F" - also taken from the 1985 joint report)

There has been considerable committee review and discussion between Provincial and City Police officials over the years in seeking ways to streamline the Vancouver jail systems. There has never been a properly mandated and objective study of the problem which would address equally the concerns of all parties, i.e. Vancouver Police, Provincial Court Services and Provincial Corrections. Such a study is much needed and should be undertaken soon in order to avoid decisions such as those which led to the tunnel.

Prisoner Management - Present System



Prisoner Processing A-B-C-D-E
Paper Processing 1-2-3-4-5-6

Note: See Appendix B, page 2 for explanation of diagram.

PRISONER PROCESSING

A. Police arrest person with intent to charge.

B. The arrestee is take to the police lock-up. The N.C.O. has the authority to detain for Court or to release on a Promise to Appear. If detained, the prisoner is searched, booked and lodged in cells awaiting processing of charges.

C. Once the charges are processed, the prisoner(s) is/are escorted by Sheriff's Escorts to 222 holding cells.

D. Prisoner appears in Court (first appearance) usually within 24 hours.

E. Prisoner is lodged in V.P.S.C. He may remain throughout duration of trial, or he may be transferred to the Lower Mainland Regional Corrections Centre.

PAPER PROCESSING

1. Arrest information is passed on to the Court Liaison Officer to begin a case file.

2. The Court Liaison Officer reads through all the case files familiarizing himself with each case and ensuring that proper Police Procedures have been carried out.

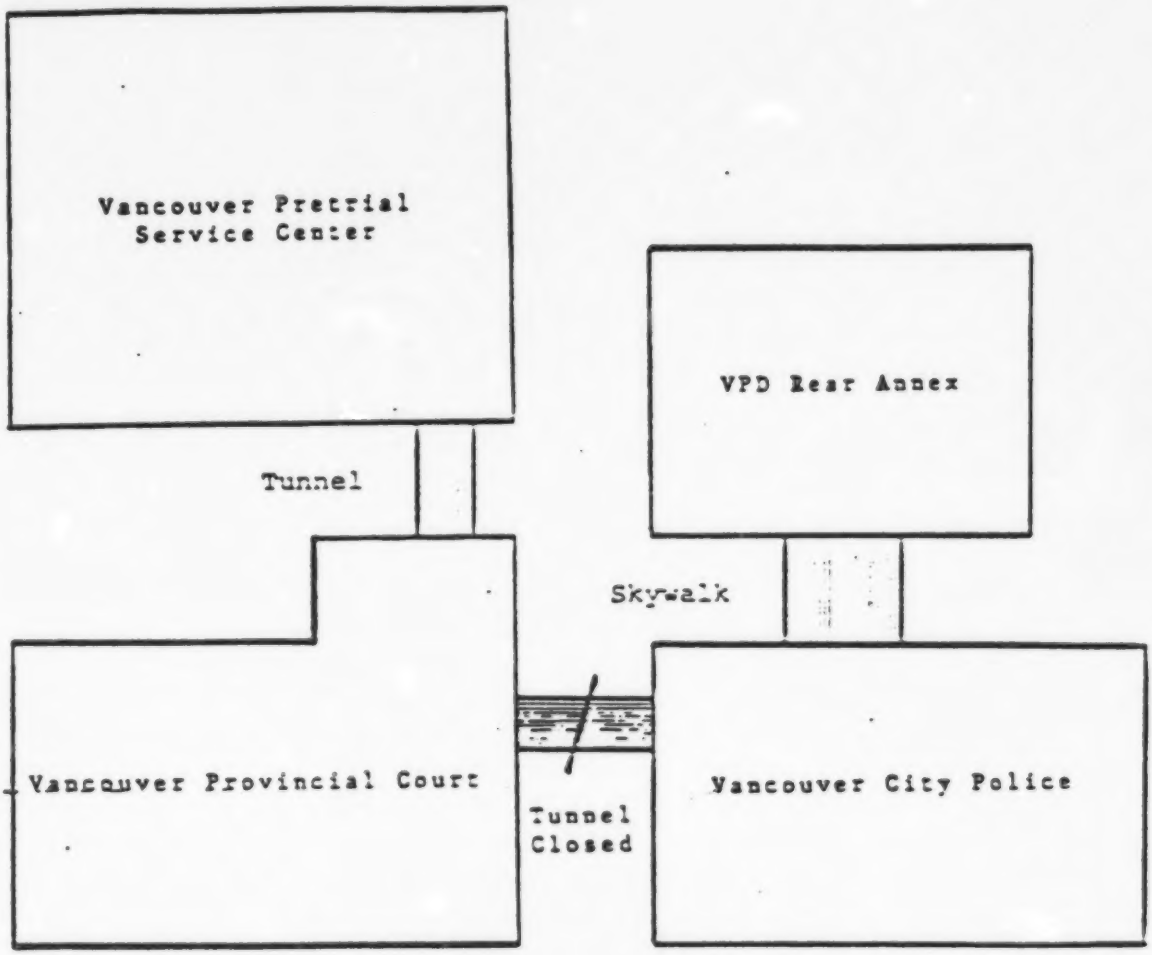
3. The case files are taken to Crown Counsel who reviews the charges and either accepts or rejects. If accepted, a formal Information is prepared.

4. The Information is passed on the the J.P.'s office and the Court Liaison Officer swears to the Information on behalf of the arresting officer.

5. The Court file is taken to Remand Court and the prisoner is called. Once dealt with, the Court File is returned to the Registry where proper documentation is prepared.

6. The document is then passed on to V.P.S.C. who then have legal authority to hold the prisoner for further appearances.

PRISONER MANAGEMENT - PRESENT FACILITIES



See Section B.I. for explanation of diagram.

THE PROVINCE -- February 14, 1973.

Pending takeover

City jail report sought

The police commission has asked for a report on how the city jail can be improved pending its takeover by the provincial government.

"It may be two years before we have a new jail, and we should determine what if anything can be done now," said commissioner Joseph H. Cohen.

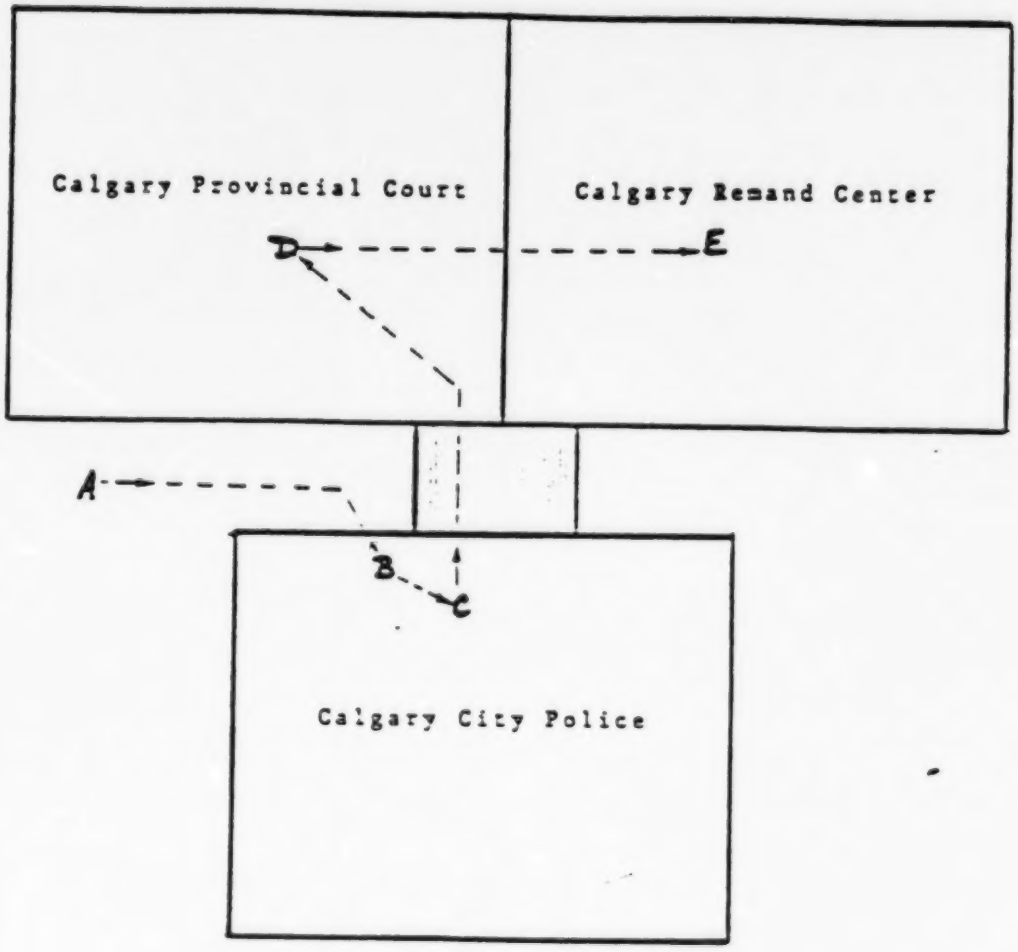
Commissioner Dr. Hugh Parfitt said TV monitoring of jail cells is a top priority and should be investigated.

Deputy chief Tom Dixon agreed that monitoring would help but added that the whole lockup facility is outmoded and barely met the need when it was built in 1954-55.

"We had 35,000 arrests last year and this is far beyond the jail's capacity and staff," he said.

Cohen suggested a rental monitoring system could be installed within two weeks. The commission called for a full report for its next meeting.

PRISONER MANAGEMENT CALGARY



A - Police arrest person with intent to charge.

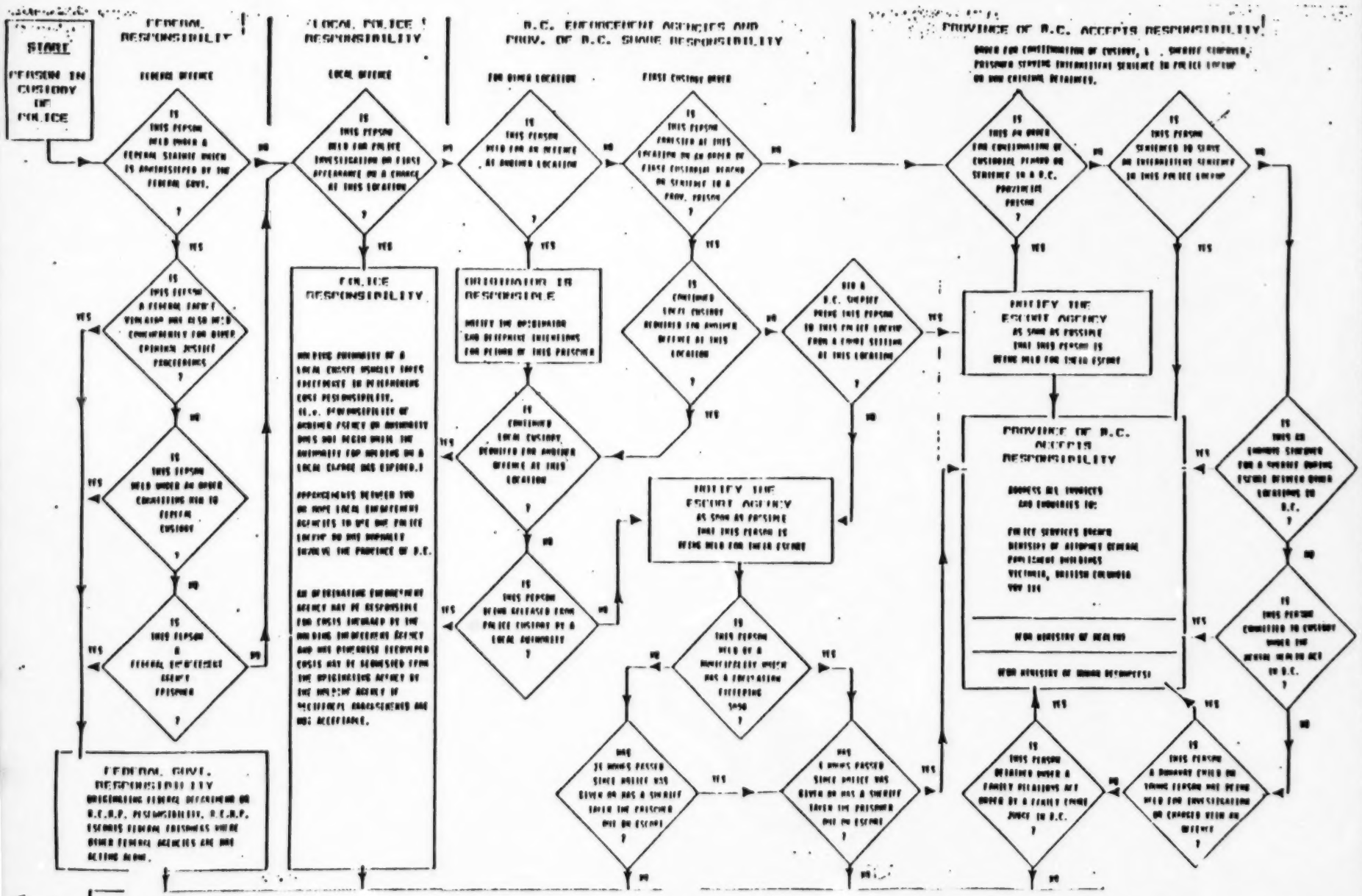
B - Police take accused before a Hearing Officer(J.P. - 24 hours a day) The J.P. types of information and the arresting officer swears to the Information. J.P. issues "Arrest Approval" slip.

C - Police take prisoner upstairs to the Detention Unit

D - Prisoner appears in Court, usually within 24 hours.

E - Prisoner is lodged in the Remand Center through trial.

Appendix 'C'


START
PERSON IN CUSTODY OF POLICE
FEDERAL RESPONSIBILITY
FEDERAL OFFENCE
LOCAL POLICE RESPONSIBILITY
LOCAL OFFENCE
B.C. ENFORCEMENT AGENCIES AND PROV. OF B.C. SHARE RESPONSIBILITY
FOR SAME LOCATION
FIRST ENCOUNTER
PROVINCE OF B.C. ACCEPTS RESPONSIBILITY
IS THIS PERSON HELD UNDER A FEDERAL STATUTE WHICH IS ADMINISTERED BY THE FEDERAL GOVT.
IS THIS PERSON HELD FOR POLICE INVESTIGATION OR FIRST APPEARANCE ON A CHARGE AT THIS LOCATION
IS THIS PERSON HELD FOR AN OFFENCE AT ANOTHER LOCATION
IS THIS PERSON CHARGED AT THIS LOCATION OR AN OFFENCE OF FIRST ENCOUNTER BEFORE OR SENTENCE TO A PROV. PRISON
IS THIS AN ORDER FOR COMMITTAL OF CUSTODIAL PERIOD OR SENTENCE TO A B.C. PROVINCIAL PRISON
IS THIS PERSON SENTENCED TO SERVE AN INTERMITTENT SENTENCE IN THIS POLICE GROUP
IS THIS A FEDERAL FAMILY VIOLATION AND ALSO HELD CONCURRENTLY FOR OTHER CRIMINAL JUSTICE PROCEEDINGS
IS THIS PERSON HELD UNDER AN ORDER COMMITTING HIM TO FEDERAL CUSTODY
IS THIS PERSON A FEDERAL CORRECTIONAL AGENCY PRISONER
FEDERAL GOVT. RESPONSIBILITY
ORIGINATING FEDERAL DEPARTMENT OR R.C.M.P. RESPONSIBILITY. R.C.M.P. ESCORTS FEDERAL PRISONERS WHERE OTHER FEDERAL AGENCIES ARE NOT ACTING ALONE.
POLICE RESPONSIBILITY
ANY PEACE OFFICER OF A LOCAL FORCE USUALLY TAKES ENFORCEMENT OR APPREHENDING CUSTODY RESPONSIBILITY, i.e. RESPONSIBILITY OF ORIGINAL AGENCY OR AUTHORITY DOES NOT BEGIN UNTIL THE AUTHORITY FOR HOLDING ON A LOCAL CHARGE HAS EXPIRED.)
ARRANGEMENTS BETWEEN THE TWO OR MORE LOCAL ENFORCEMENT AGENCIES TO USE ONE POLICE LOCKUP OR JAIL NORMALLY INVOLVE THE PROVINCE OF B.C.
AN ORIGINATING ENFORCEMENT AGENCY MAY BE RESPONSIBLE FOR COSTS INCURRED BY THE HOLDING ENFORCEMENT AGENCY AND ANY DISBURSE RECOVERED COSTS MAY BE SUBMITTED FROM THE ORIGINATING AGENCY BY THE HOLDING AGENCY IF MUTUALLY ARRANGEMENTS ARE MADE ACCEPTANCE.
CONFIRMATION OF RESPONSIBLE
IDENTIFY THE ORIGINATOR AND ENFORCE INSTRUCTIONS FOR RETURN OF THIS PRISONER
IS CONFIRMED LOCAL CUSTODY REQUIRED FOR ANOTHER OFFENCE AT THIS LOCATION
IS CONFIRMED LOCAL CUSTODY REQUIRED FOR ANOTHER OFFENCE AT THIS LOCATION
DID A B.C. SHERIFF PRINT THIS PERSON IN THIS POLICE GROUP FROM A CRIME SETTING AT THIS LOCATION
IDENTIFY THE RECEIVING AGENCY AS SOON AS POSSIBLE THAT THIS PERSON IS BEING HELD FOR THEIR CUSTODY
PROVINCE OF B.C. ACCEPTS RESPONSIBILITY
ADDRESS ALL INVOICES AND ENQUIRIES TO:
POLICE SERVICES BRANCH
DIVISION OF ATTORNEY GENERAL
PARLIAMENT BUILDINGS
VICTORIA, BRITISH COLUMBIA
V8V 1X4
NEW ADDRESS OF HEALTH
NEW ADDRESS OF [illegible]
IS THIS AN ENDORSE SENTENCE FOR A SHERIFF DURING FEDERAL DRIVER ENDORSEMENTS IN B.C.
IS THIS PERSON COMMITTED TO CUSTODY UNDER THE MENTAL HEALTH ACT IN B.C.
IS THIS PERSON HELD FOR AN OFFENCE WHICH HAS A EXTRADITION EXCEEDING 5 YEARS
HAS 30 HOURS PASSED SINCE POLICE HAS GIVEN OR HAS A SHERIFF TAKEN THE PRISONER OUT ON ESCORT
HAS 6 HOURS PASSED SINCE POLICE HAS GIVEN OR HAS A SHERIFF TAKEN THE PRISONER OUT ON ESCORT
IS THIS PERSON DETAINED UNDER A FAMILY RELATIONS ACT ORDER BY A FAMILY COURT JUDGE IN B.C.
IS THIS PERSON A RUNAWAY CHILD OR YOUNG PERSON WHO NEEDS HELP AND INVESTIGATION OR CHARGED WITH AN OFFENCE
YES
NO